

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

OSWALDO BARRIOS, ON BEHALF OF
HIMSELF AND ALL OTHER
SIMILARLY SITUATED;

Plaintiff,

VS.

MASTEC NETWORK SOLUTIONS,
LLC, INSTALLATION SQUAD, LLC,
BERNARDO NAPOLES, ANGEL
RINCON,

Defendants.

SA-25-CV-00291-JKP

PHASE I SCHEDULING ORDER

Before the Court is the above-styled and numbered cause of action, which was referred to the undersigned for all pretrial proceedings on March 3, 2025 [#3]. On June 2, 2025, the parties appeared, through counsel, at an initial pretrial conference, and the Court reviewed the parties' scheduling recommendations [#13-1]. Accordingly, pursuant to Rule 16 of the Federal Rules of Civil Procedure and in accordance with *Swales v. KLLM Transport Services, LLC*, 985 F.3d 430 (5th Cir. 2021), the following Scheduling Order is issued to control the first phase ("Phase I") of this case:

1. The Parties' preliminary discovery will run through **October 17, 2025**. The Parties may seek leave of court for additional time if scheduling conflicts arise. Responses to discovery identified in this Preliminary Discovery Control Plan are due within 30 days after they are served, unless the parties agree otherwise.

2. **Deciding the Applicable Definition of Similarly Situated:** Plaintiff shall have until **November 14, 2025**, to file his Motion for Notice to Similarly Situated Opt-in Plaintiffs. Defendants' Response will then be due **21 days** after Plaintiff's Motion for Notice is filed.

3. The Court will construe Plaintiff's failure to submit a definition of similarly situated within the aforementioned amount of time as a waiver of proceeding collectively and will require Plaintiff to proceed on an individual basis.

4. Final Scheduling Order: The parties shall submit a proposed scheduling order to the Court for the remainder of the litigation **within thirty (30) days of the Court's ruling on Plaintiff's Motion for Notice**. The content of the proposed scheduling order shall include proposals for all deadlines set out in the Court's Order Setting Initial Pretrial Conference [#10]. The parties shall endeavor to agree concerning the contents of the proposed order, but in the event they are unable to do so, each party's position and the reasons for the disagreement shall be included in the proposed schedule submitted to the court. In the event the plaintiff has not yet obtained service on all defendants, the plaintiff shall include an explanation of why all parties have not been served. The scheduling proposals of the parties shall be considered by the trial court, but the setting of all dates is within the discretion of the Court. The proposed scheduling order shall contain suggestions for the deadlines listed in the Court's Order Setting Initial Pretrial Conference [#10].

IT IS SO ORDERED.

SIGNED this 2nd day of June, 2025.



ELIZABETH S. ("BETSY") CHESTNEY
UNITED STATES MAGISTRATE JUDGE

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**CONSENT TO PROCEED TO TRIAL BEFORE
A UNITED STATES MAGISTRATE JUDGE**

In accordance with the provisions of 28 U.S.C. § 636(c), the parties to the above captioned civil matter hereby waive their rights to proceed before a judge of the United States District Court and consent to have a United States Magistrate Judge conduct any and all further proceedings in the case, including the trial, and order the entry of judgment. Any appeal shall be taken to the United States Court of Appeals for this judicial circuit, in accordance with 28 U.S.C. § 636(c)(3).

Party

By: _____
Attorney

Party

By: _____
Attorney

APPROVED this the _____ day of _____, 2025.

JASON K. PULLIAM
UNITED STATES DISTRICT JUDGE